

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA

NOTARY COMMISSIONS AND AUTHENTICATIONS

NOTARY PUBLIC HANDBOOK

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Revised 5-2015

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I. Introduction

The Office of Notary Commissions and Authentications (ONCA) commissions notaries public for a renewable term of five years. This Handbook provides the information you will need to learn about the requirements to become a notary, the process to apply, and the responsibilities and restrictions in being a notary public along with other helpful information. After reading the Handbook, if you have any questions, please feel free to contact the ONCA office at: 202 727-3117, notary@dc.gov

A District of Columbia (District) notary public is a public officer whose function is to notarize documents by administering oaths and attestations and witnessing the signature of the person(s) personally appearing before him or her. Notaries public protect against fraud and forgery by acting as an official, unbiased witness to the identity of the person who signs a document.

A District notary public is appointed for a renewable term of five years in accordance with Title 1 Section 1201 of the . Official acts of a notary public are recognized in the District and throughout the United States. As District public officers, notaries public are held to the same high standard of public trust in the exercise of their duties as are other appointed and elected District officials.

II. Types of Notaries Public

- a. **Residential Notary:** A residential notary public resides in and performs notarial functions from his/her personal residence in the District. The notary must submit a Residential Letter of Request that sets forth the need for the notary's commission to be issued for use in the community and in his/her personal residence.
- b. **Business Notary:** A business notary public is an individual who is employed by a business operating in the District, but who may or may not reside in the District. To qualify as a business notary, the applicant's employer must make the request for appointment in writing on official company letterhead that displays a District of Columbia address. The letter must include the name of the applicant, the justification for the notary commission, and the hours the notary will be available for public access. The justifications must indicate how service and convenience to members of the public and their business will be improved.

A person may also apply to be a "government" notary public if they are being commissioned as a government employee through the federal government or the District of Columbia government and the agency is physically located in the District. The application is submitted to ONCA as a Business application but no fee is required.

- c. **Dual Commission:** A notary public who is also a District resident and desires to exercise in addition to their business commission may apply for a dual commission. A letter from the individual and the business must be submitted with the application but only one fee is required.

III. Qualifications for a District of Columbia Notary Commission

- a. **Residency:** To qualify for appointment as a District notary public an individual must be a resident of the District; or
- b. **Business:** Work for a business located in the District.

IV. How to Obtain a Commission

To begin the process of obtaining a notary commission, or a reappointment as a notary public the steps listed below must be completed and the application and the applicable commission fees must be submitted to ONCA. All materials submitted for appointment as a notary public become the property of the DC Government.

- a. **Application:** The notary public application can be downloaded at www.os.dc.gov or picked up at the ONCA office. Applications that are incomplete, unsigned or handwritten will not be approved. The application will be returned to the individual for corrections and resubmission to ONCA.
- b. **Fee:** The notary public fee application is \$75 fee. District and federal government notaries are exempt from the application fee requirement. However, should a government notary public desire a dual commission (see “Categorization of Notaries Public,” above), an application fee will be charged.
- c. **Letter of Request:** Each application must include a letter of request explaining the need for the applicant to be a notary for residential or business reasons. The letter must be on personal or business letterhead, must have a District address, and must have a District phone number.
- d. **Orientation:** Each new applicant must attend a **mandatory** orientation session covering the applicable notary rules and regulations in the District. ONCA schedules the orientation after a notary application is approved. Each applicant will be notified of the date and time of the orientation by ONCA.
- e. **Publication:** After the application has been approved and the orientation session completed, ONCA will publish the names of the applicants in the DC Register.
- f. **Notification of Commission and Completion of Commission Process:**

After publication of the names of notary applicants in the *DC Register*, ONCA will notify applicants that they may purchase the necessary notary supplies and surety bond. Residential, business, and federal government notaries public shall acquire a bond in the amount of \$2,000, covering the notary’s five year term. The bond is not an insurance policy. The bond serves for the protection of members of the public who may be injured as a result of negligence or misconduct on the part of the notary.

 - i. **Bond Requirements:** District notaries public are exempt from the bond requirement unless they apply for an receive a dual commission.
 - ii. **Proof Of Payment:** Applicants must present the original receipt of the bond payment, marked “Paid in Full,” as well as their notary seal, stamp, log book, and Jurat to ONCA for verification prior to being administered the notary oath of office.

ONCA does not provide information on the names of companies or stores that have notary supplies

- g. **Oath:** Upon satisfaction of the above requirements, applicants will take the Oath of Office administered by an official of ONCA.
- h. **Unclaimed Commission:** A notary commission that is not claimed within 60 days from the date of issue by ONCA will be cancelled. Cancellation of commission requires the applicant to re-

complete the entire process i.e. submit a new application including the application fee and participate in the orientation program.

V. Requirements of a Commissioned Notary

- a. **Official Signature and Oath Page:** District notaries public are required to complete the official oath page. The oath page contains the address and telephone number of the location where the notary will carry out his/her duties, the notary's signature, and one impression of his/her seal. The signature on the oath page must be the same used when notarizing documents. Any notarial transaction performed by a notary who does not have a signature on file with ONCA is void.
- b. **Notary Seal:** The notary seal format consists of the following:
- c. **Embosser:** An embosser makes a raised impression in the paper; this is the seal of the notary public. District of Columbia notaries public must use an embossed seal to complete all official notarial acts. Each notary public must furnish the notary seal at his or her own expense. Be sure the embosser has the correct expiration date for your commission when you order and receive it.
 - Placement of Seal:** Seal impressions should never be placed over signatures and dates. Usually space is provided to the left of the notary's signature for the seal impression. If such space is not provided, the seal should be placed near the notary's signature.
 - Information Required on Seal:** The seal must include: (1) the name of the notary public as it appears on the notary's commission on the upper, outer perimeter; (2) the words "Notary Public" in the center of the seal; (3) the notary commission expiration date in the center and (4) the words "District of Columbia" on the bottom, outer perimeter.
 - Embossment Inker:** The Inker is the supply used put the impression on the notary seal. The notary public must ink their raised seal embossment, subsequent to its placement on a document, every time, no exceptions. (17DCMR 2403)
- d. **Jurat:** The notary public must include the Jurat that certifies the Notary has witnessed the signing of the document by the individual. By executing the Jurat, the Notary guarantees that the signer personally appeared before the notary; the notary is not attesting to any item in the document itself.
- e. **Name:** In addition to the notary's signature, the notary's name should be legibly typed or printed and stamped with expiration date for those notaries commissioned prior to December 15, 2010 and have not yet renewed their commission.

If a document is prepared in advance for notarizing, the language below may be used as an example.

Sample language (same as on the Jurat stamp)

District of Columbia: SS

Subscribed and Sworn to me, in my presence, this _____ day of _____, _____.

(date) (month), (year)

(place seal)

Notary Public, DC (signature)

- f. **Records:** Each notary public is required by law to keep a fair record of all official acts performed, and when required, shall give a certified copy of any record in his office to any person upon payment of the fees therefor § 1-1211.

Based on national standard practices ONCA recommends that each notary's log book include the:

- i. Name: The name and address of each person appearing before the notary,
- ii. Date: The date they appeared before the notary,
- iii. Identification: The method by which each person was identified to the notary,
- iv. Document Type: The type of document involved,
- v. Fee: The fee charged, and
- vi. Signature: The signature(s) of person(s) signing the document(s).

These practices help protect the notary in case of questions or complaints.

The log book may be kept by hard copy or electronically, but if electronically, the signature of the person who had the document notarized should be kept. All signatures must be done in person and cannot be done electronically.

- g. **Signage:** Every residential and business District notary public must exhibit a "NOTARY PUBLIC" sign. Government notaries public are exempted from this requirement.
- h. **Schedule of Fees:** Residential and business notaries may not charge more than \$2.00 per notarial act, g. administering oaths, taking affidavits, including a Jurat clause and seal, or any other notarial act. Government-employed notaries are prohibited by law from charging for their notarial services.

VI. Role of Notaries Public

a. **Commissioned Notary:** A commissioned District of Columbia notary public is an individual who has satisfied the appointment requirements and taken the Oath and is authorized to perform the following:

- Obtain acknowledgement and proofs,
- Administer oaths and affirmations,
- Take verifications upon oath or affirmation,
- Witness or attest signatures,
- Execute protests for foreign and inland bills of exchange,
- Perform such acts for use and effect beyond the jurisdiction of the District according to the law of any state or territory of the United State or any foreign government in amity with the United States.

b. **Administration of Oaths and Affirmations:**

There are two types of oaths: (1) the oaths of a witness, being someone who has personal knowledge of some cogent matter and (2) the oath of an affiant, being someone who swears an affidavit to be true:

Example of the Oath of a Witness: Do you solemnly swear (or Affirm) to tell the truth, the whole truth, and nothing but the truth?

Examples of the Oath of an Affiant: Do you solemnly swear (or Affirm), under penalty of perjury, that you know the contents of this document and that the matters set forth are true?

c. **Witnessing and attesting to signatures:** A notary public may witness the signing of the document in their official capacity as follows:

- Obtain satisfactory proof of the identity of the person signing the document,
- Observe the signing of the document,
- Date, sign, and apply the notary's seal or stamp to document,
- Indicate the date on which the notary's commission expires,
- Record the notarization in the notary record book of official acts.

Recommended forms of identification are a driver's license, passport, or employee identification card; however, the notary public may consider other forms of documentation acceptable. The issue of identification is subjective and the test of whether identification has been satisfactorily met will remain with the notary.

d. **Official Acts:** District of Columbia notaries public do not read the document presented for notarization, nor are they required to understand or possess knowledge of the document's contents. District notaries public may notarize only the signature of the person personally appearing before him or her. After the person appearing before them has either attested or affirmed before them has either attested or affirmed the notary should proceed to perform the proper notarial acts.

e. **Jurisdiction:** District commissions can be exercised only within the geographical borders of the District of Columbia. Accordingly, the notary public may notarize documents only within the District of Columbia. The affiant and/or witness must be present in the District of Columbia at the time of the notarization. The District of Columbia does not recognize licenses or commissions from other jurisdictions.

f. **Basic Restrictions:** District of Columbia notary publics do not have authority to certify a public record, a publicly recorded document, a school records or diploma, or a professional

license. This would include birth, death and marriage certificates and certificates of good standing

- District notary may never:
- Take his/her own oath, affidavit, acknowledgement or depositions,
- Serve as a witness for his/her own documents,
- Notarize his/her own signature,
- Provide Legal Advice: A notary public who is not admitted to the District of Columbia bar may not perform the services of an attorney at law,
- Prepare any written instrument affecting the title to real estate,
- Give advice in the administration or probate of estate of decedents.

VII. Additional Information

- Changing the of Name on a Commission:** A notary public whose name changes because of marriage, divorce, or adoption is required to:
 - Complete a new application with the change in name; when filling out the application, the applicant should check new or renewal, but the request letter should state the reason and the application should note the reason.
 - Present a document issued by the District or federal court showing the change in name,
 - Purchase a new embosser, Jurat, and
 - Come to ONCA to complete an oath page with embossed seal impressions that reflect the name change.
- Change of Address/Employer:** Notaries public are required to notify ONCA immediately in writing of any change in address or employer. Notary public services can be transferred to a new employer whose offices are physically located in the District of Columbia. To do so, the new employer is required to submit a letter explaining the need for the service of the notary public and where and during what hours the notary will be available to perform notarial duties.
- ONCA will not recognize a document notarized by a notary public whose name has changed unless the notary has complied with these requirements. The notary is also responsible for notifying his/her bonding company of the change in name.
- Reappointments:** While ONCA will make every effort to notify existing notaries prior to their expiration date, to ensure that there is no lapse in his/her commission, the notary should contact ONCA at least six weeks prior to the expiration of the commission. Every notary public applying for reappointment must submit the renewal application by the deadline indicated. Applicants seeking reappointments are not required attend orientation unless the commission has been expired for one year or more.

A reappointment only applies to those who have been a notary in the District of Columbia (within a break of a year). A notary in another jurisdiction you must apply as a new applicant.
- Termination of Commission:** Notary commissions are terminated at the end of the five year term or upon resignation of the commission. Notaries who no longer reside in the District or who cease to be employed in a business physically located in the District must resign their commission by notifying ONCA in writing. Correspondence should be sent to the address listed below:

Secretary of the District of Columbia
Attention: Office of Notary Commissions and Authentications

441 4th Street, NW
Suite 810 South
Washington, DC 20001

Notification may also be sent by email to:

notary@dc.gov

VIII. Denial or Revocation of Notary Commission

- Denials: A notary commission may be denied if there is probable cause to believe that an applicant fails to meet the qualifications of a notary or if the application was not submitted according to the code, regulation or policies set forth by ONCA. If the application is incomplete, it will be returned and may be re-submitted.
- Revocations: A notary commission may be revoked if a notary fails to discharge fully and faithfully any of the duties or responsibilities required of a notary public, or otherwise commits misconduct that substantially relates to the duties or responsibilities of a notary public. If the Secretary of the District of Columbia or ONCA receives a complaint regarding a notary, that complaint will be reviewed by the Secretary's Office and the individual notary will be given an opportunity to respond within 20 days. If there is probable cause, the Secretary may revoke the commission. The individual notary must be notified by certified mail of the intent to revoke and the cause, along with any supporting documents.

For complete listings of the laws and regulations relating to Notaries Public go to the DC Code: D.C. Code § 1-12 and the DCMR 17-2400- 17-2410. You may also visit our website at os.dc.gov or contact us at 202 727-3117, notary@dc.gov